

Dear Commissioners:

I am a songwriter and recording artist who was lucky enough to have a few regional hit records in the late 80s and early 90s, even with the extreme narrowing of formats and intense competition from radio promotion companies working for major record labels that hogged the playlist real estate in every major radio market.

I've written close to 100 songs and my collaborator has written over a thousand. Together we've released about 18 records--EPs and 12"s for the dance club market--as well as CDs and cassingles (remember them?) Our record "Too Tuff to Cry" was a regional hit here in So. California and brought us live gigs (and money) for about 9 months straight. The record was also licensed to Mexico where it was a smash and where we also toured.

We had more modest successes, too, with other records that were played locally on Power 106. Our group, The Tyrants in Therapy, continue to play a couple of times a month throughout So. California in clubs and bars. We have an international following and continue to sell our music via our website.

We have always tried to get airplay for our records locally. Each station has days when they accept promotion calls. Generally, an independent record label or indy artists cannot get through to the music director at major market radio stations. Unless you are from a big record label with money or other goodies to "induce" the music director to play your record, you are out in the cold and your record ain't gonna get a hearing, let alone played on the air. This used to be called payola. These days it seems promoters offer to help the radio station with their promotional budget (subsidizing contests, etc.) End result, it's still payola and the quid pro quo is the station plays their record. Plus a big label, such as BMG or Capitol has a stable of artists including established stars, and the radio stations know that if they don't help the label with new records, the label will be back next week withholding new releases of established artists -- or letting the station's crosstown rival have first crack at playing the new product.

We have had some airplay, miraculously enough, but it's been 10 years, the music business is a mess, the radio business is dominated by fewer and fewer owners with duopolies (and triopolies?) calling the shots.

I am not aware of major radio stations playing local artists, although in Los Angeles, lots of people who were 'local artists' elsewhere, wind up here once they have major record labels.

There are college radio stations but most of them have similarly restrictive 'formatting' as the major stations.

I think they should find a definition for local programming and find a way to incent creative local, ORIGINAL programming. Otherwise, stations could buy programming from syndicators. The definition should have something to do with local voices and opinions and aim to include a lot of different community voices and people from different sectors, including local leaders and thinkers and not just the 'me, too' voices who listen to Rush Limbaugh or for that matter Air America. Fresh, local stuff -- with the goal of supporting emerging voices and creativity.

Both definitions seem good. You could have a local producer go to another part of the country or world and produce a program that's relevant or 'universal.'

I think the idea that programming decisions are made at the local station level is a good one. As long as the decision makers aren't employees of large corporate media entities like Clear Channel, etc.

A good programmer would mix it up so there is something for everyone and counterprogramming to what other network affiliated stations may be carrying at the date and time of broadcast.

They should also take a page out of the playbook of basic cable channels and re-broadcast the best of what they produce.

Philanthropic support should just be considered an example of the same type of community goodwill that many banks, corporations and local businesses also engage in.

Yes I have had personal experience with payola. I was contacted by an executive from Jeff McCluskey & Assoc., an indie record promoter, back in the early 90s when we had a record out called "Boy." A music director at a radio station in Toledo OH decided to play and chart it. The executive wondered how this little indie record (ours) got added to the playlist of one of "HIS" stations, as he referred to it. He told me there was no way in hell my record would continue to be played unless 20 more stations picked it up and that could only happen with his help. For Top 50 markets he charged \$800 per add (each playlist to which the record would be added); for Top 51-100 market stations, the fee was \$600 per add and for stations in the 101 or higher market, the charge was \$400 per add. On the cheap, I would've needed about \$35,000 to 40,000 to get the record played and have any "critical mass" -- AND that would've been for only a couple of weeks. It would cost more to keep the record on the play lists.

Payola exists, yes. It's the law of the jungle and unless there are stiff penalties that the FCC metes out, it will continue. It just gets more creative .

Yes, of course indie promoters are payola! They are just a middleman. Don't know the answer about bands playing free concerts. Bands need and like to play. If the radio station can deliver a sizeable audience and it helps record sales, maybe it's ok. They should be given a minimum stipend, though, as artists are ALWAYS giving their work away for free with the hope that eventually they can make a living from their creativity.

I was not aware of the front and back announcing shakedown -- is this happening? This is contemptible. Audiences need and want to know who the artists are whose records they're listening to. Why should the artists pay the stations (it comes out of their sales) so that people know whose work they are listening to? Doesn't this fall into the realm of informing the public, one of the airwaves' *raison d'être*?

What do you think of voicetracking?

The practice homogenizes radio and diminishes the diversity that local personalities bring to the air. It helps duopolies and other mega-corps keep overhead low but the result is a generic kind of programming much like McDonalds. It certainly does not serve the local interest and it certainly discourages new ideas and fresh perspectives that can arise naturally when real humans are on mic and making programming decisions.

" What about broadcasts that mislead the public about where the broadcaster is located? What should the FCC do about it? "

The FCC should withhold licenses to stations and/or companies that do this! There should be conditions that will trigger revocation if violations occur and 'spot checks' of these stations/companies to see what they're doing. Hey George Bush, there a job description that would be hundreds of people to work!

The airwaves are for all the people, not just the shareholders. And the airwaves should not be so commoditized that money is the only consideration

Not familiar enough with LPFM to comment.

Thank you for listening to this important issues. I hope the FCC decides to act on behalf of public interest and localism. Musicians, writers and artists would certainly be grateful for help in leveling the playing field.